

# Memorandum

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STATE OF WISCONSIN  
DIRECTOR OF STATE COURTS



## VIA Electronic Mail

*DATE:* October 24, 2012

*TO:* Members of the Special Committee on Permanency for Young Children in the Child Welfare System

*FROM:* Nancy Rottier, Legislative Liaison

*SUBJECT:* Court and Jury Trials for Child in Need of Protection or Services (CHIPS) and Termination of Parental Rights (TPR) Cases

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Thank you for the opportunity to present data on trials for CHIPS and TPR cases in Wisconsin's circuit courts. The data covers each calendar year for the time period of 2007 – 2010. This memorandum provides a brief description of the jury trial process under Chapter 48, along with the statewide data.

### Jury Trial Process

A parent, child, guardian, or legal custodian has the right to request a jury trial in the fact-finding phase of both CHIPS and TPR cases under Wis. Stats. § 48.31. If a timely jury request is not made, the court remains the fact-finder. Chapters 756 and 805 govern the selection of jurors. In CHIPS cases, a jury of six individuals makes findings of fact as to whether the allegations in the petition that the child is in need of protection or services are proven. In TPR cases, a jury of twelve individuals makes findings of fact as to whether grounds for termination of parental rights exist.

### Statewide Data

The statewide data in the charts to follow was obtained through the Consolidated Court Automation Programs (CCAP). CCAP was developed as a case management system, not an information management system. As such, CCAP's applications are primarily designed to assist the courts in efficiently managing and processing its cases. It was not designed to gather information for research purposes, although it is possible to extract data that may assist in some projects.

When reviewing the statewide data, please keep in mind the following limitations:

- Throughout this memo, sibling groups are counted as separate cases in the data, even when cases are opened or trials for the siblings are conducted at the same time.
- It is not possible to separate privately-filed petitions from the publicly-filed petitions, which means that the statistics include cases that are not part of the public child welfare system.
- Prior to December 2011, Portage County was not utilizing CCAP and, therefore, the statewide totals do not include information from this one county.
- Variances in county data entry practice may impact the ability of statewide statistics to fully capture a single, consistent measurement of a specific court event.

In the vast majority of CHIPS and TPR cases, the allegations or grounds are established through a no contest plea, admission, or default judgment with court and jury trials occurring in only a small percentage of CHIPS and TPR cases. There are also a number of TPR cases where the parent voluntarily consents to the termination of parental rights.

**Chart 1: Total Number of CHIPS and TPR Cases Filed and Disposed Per Calendar Year<sup>1</sup>**

The data below compare the statewide annual number of CHIPS or TPR cases filed with the circuit court and the number of cases disposed of per calendar year. A case is counted as “opened” when a petition is filed with the court and a case is “disposed” when disposition is entered. For purposes of this data, disposition is reached when: 1) a dispositional order or consent decree is entered in a CHIPS case, 2) a TPR order is entered, or 3) a CHIPS or TPR petition is dismissed. Note that although a case is disposed, there are significant post-dispositional court activities that may continue to occur such as permanency hearings, changes of placement and revision hearings to name a few.

<b>Calendar Year</b>	<b>CHIPS Cases Opened</b>	<b>CHIPS Cases Disposed</b>	<b>TPR Cases Opened</b>	<b>TPR Cases Disposed</b>
<b>2007</b>	4,862	4,845	1,823	1,876
<b>2008</b>	4,780	4,747	1,928	1,803
<b>2009</b>	4,261	4,481	1,733	1,862
<b>2010</b>	4,416	4,309	1,778	1,802

<sup>1</sup> The number of CHIPS cases disposed and TPR cases disposed are taken from a statistical report run in September 2012. Numbers in these two columns may differ from statistics posted on the court system website due to case amendments and corrections that were entered into the system after the year end annual report was posted.

### **Chart 2: Total Number of CHIPS Cases with a Court Trial or Jury Trial<sup>2</sup>**

The data in Chart 2 below reflects the number of statewide CHIPS cases with a court trial or jury trial by calendar year. In addition, there may be some cases included in the totals where a hearing was held, but the court or jury trial did not occur (e.g., parent was found in default or changed his or her plea).

<b>Calendar Year</b>	<b>Court Trial</b>	<b>Jury Trial</b>
<b>2007</b>	398	41
<b>2008</b>	333	50
<b>2009</b>	264	56
<b>2010</b>	236	51

### **Chart 3: Total Number of TPR Cases with a Court Trial or Jury Trial<sup>3</sup>**

The data in Chart 3 below shows the number of statewide TPR cases with a court trial or jury trial by calendar year. Again, sibling groups are counted as separate cases in the data, even when the trials for the siblings are conducted at the same time. In addition, there may be some cases included in the totals where a hearing was held, but the court or jury trial did not occur (e.g., parent was found in default or changed his or her plea).

<b>Calendar Year</b>	<b>Court Trial</b>	<b>Jury Trial</b>
<b>2007</b>	57	131
<b>2008</b>	42	101
<b>2009</b>	55	145
<b>2010</b>	46	133

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<sup>2</sup> In CCAP, a case is identified as having a jury trial once a jury is impaneled. There may be some cases included where the jury was impaneled but did not make the final decision.

<sup>3</sup> In CCAP, a case is identified as having a jury trial once a jury is impaneled. There may be some cases included where the jury was impaneled but did not make the final decision.

If you require more information, please do not hesitate to contact me. I hope this information is responsive to your request regarding trials in CHIPS and TPR circuit court cases in Wisconsin.